



SUPREME & NATIONAL COURTS OF JUSTICE
Court Reporting Service

GUIDELINES FOR
COURT REPORTING OFFICERS

ESSENTIAL LEGAL PROCEDURES AND POLICIES
ON COURT MONITORING

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1. CRIMINAL CASES

1.1 GUILTY PLEA CASE

- a) PRESENTATION OF INDICTMENT BY THE STATE (A paper containing the charges charging the accused)
- b) PRESENTATION OF BRIEF FACTS BY THE STATE. (A brief consists normally of a narrative of the facts of the case and a reference to the relevant law)
- c) ARRAIGNMENT (the judge reads the substance of the indictment to the accused and asks whether he/she pleads guilty or not guilty.)
- d) PLEA (Answer by the accused to the charge)
- e) STATE TENDERS EVIDENTIARY DOCUMENTS (Committal Court depositions etc)
- f) CONVICTION (on confirmation of the plea by the accused and reading of evidentiary documents)
- g) STATE TENDERS THE ANTECEDENT REPORT (a statement of a person's background)
- h) ALLOCUTUS ADMINISTERED (the demand of the court to the prisoner convicted of the charge on the indictment as to what he has to say in relation to his punishment)
- i) SUBMISSION ON SENTENCE (submission on sentence by defence counsel followed by submission in response by the State counsel)
- j) SENTENCE (punishment or penalty given by the court)

1.2 TRIAL - NOT GUILTY PLEA CASE

(Stages of a straight forward trial without other applications)

- a) PRESENTATION OF INDICTMENT BY THE STATE (A formal document setting out the charge(s) against the accused)
- b) PRESENTATION OF BRIEF FACTS BY THE STATE. (A brief consists normally of a narrative of the facts of the case and a reference to the relevant law)
- c) ARRAIGNMENT (the judge reads the substance of the indictment to the accused and asks whether he/she pleads guilty or not guilty.)
- d) PLEA (Answer by the accused to the charge)
- e) PLEA ENTERED (the judge enters a plea of not guilty)
- f) STATE OPENS CASE (Tendering of evidentiary documents, court exhibits, record of interviews, calling of witnesses etc)
- g) STATE WITNESS SWORN (eg: **JOE BLOW, sworn:**)
- h) STAGES OF EXAMINATION
 1. Examination-in-chief by the State or prosecuting counsel.
 2. Cross-examination by the Defence counsel.
 3. Re-examination by the State or prosecuting counsel.
 4. QUESTIONS BY THE COURT (if any)
 5. Further re-examination by the State or prosecuting counsel if any arising from the questions by the court.
 6. Further cross-examination by the Defence counsel if any arising from the questions by the court.
- i) THE WITNESS WITHDREW (No other questions and the witness is excused by the court.)
- j) STATE CLOSES CASE

1.3 APPLICATION ON NO-CASE-TO-ANSWER

- a) An application on no case to answer submission is made by the Defence.
- b) State's submission in response on no case to answer.
- c) Defence submission in reply.
- d) Ruling
(If the Court upholds the no-case to answer submission then that is the end of the matter. But if the Court finds that the accused has a case to answer the substantive trial continues and the Defence opens its case by calling its witnesses.)

- i. DEFENCE OPENS CASE
(Defence calls its witnesses)
- ii. DEFENCE WITNESS SWORN (e.g.: **JOE BLOW, sworn:**)
- iii. STAGES OF EXAMINATION (Same stages in Point 18 above apply here.)
- iv. DEFENCE CLOSES ITS CASE
- v. SUBMISSION ON EVIDENCE
- vi. DECISION ON VERDICT
Depending on the Court's ruling if the accused is found not guilty then he is acquitted and that is the end of the matter. But if the accused is found guilty the Court proceeds to administer allocutus.
- vii. ALLOCUTUS ADMINISTERED
- viii. SUBMISSION ON MITIGATION/SENTENCE
- ix. DECISION ON SENTENCE
- x. SENTENCE

1.4 TRIAL ON VOIR DIRE (a preliminary examination of a witness by a judge or counsel where there is a challenge on the record of interview)

1. TENDER OF THE ACCUSED'S RECORD OF INTERVIEW.
2. OBJECTIONS BY THE DEFENCE COUNSEL (if any)
3. STATE CALLS INTERVIEWING POLICE OFFICER/CORROBORATOR.
4. THE WITNESS IS SWORN.
5. STAGES OF EXAMINATION.
 - 5.1 Examination-in-chief by the State
 - 5.2 Cross-examination by Defence
 - 5.3 Re-examination by the State (if any)
 - 5.4 Questions by the Court (if any)
 - 5.5 Further Cross-examination by Defence
 - 5.6 Further Re-examination by the State
 - 5.4 The Witness Withdrew
 - 5.5 Submission by the Defence counsel
 - 5.6 Submission by the State
 - 5.7 Ruling (the Court decides whether to admit or reject the record of interview)

Based upon this ruling the court then reverts back to the substantive trial.

1.5 EX OFFICIO INDICTMENT/NOLLE PROSEQUI (An application is made in court by the Public Prosecutor to file a declaration or an ex officio indictment or a nolle prosequi in exceptional cases against an accused person)

Ex Officio Indictment

1. Presentation of a declaration or an ex officio indictment by the State
2. Presentation of brief facts by the State
3. Criminal process

Nolle Prosequi

1. Presentation of indictment
2. Presentation of brief facts by the State
3. Order (Accused discharged.)

1.6 BAIL MATTERS

1. Application for bail.
Submission in response (if any)
Order (Grants bail or refuses bail)
2. Application for bail variation
Order (Grants variation or refuses)
3. Application for bail review
Order (Grants bail with bail conditions)

2. CIVIL CASES

2.1 TRIAL

In civil there are two ways of conducting a trial. One is conducted by way of documentary evidence tendered in court and the other is conducted by way of calling witnesses to testify in court.

Documentary Evidence trial

2.2 STAY APPLICATIONS

The five essential steps to be complied with and addressed by the lawyers and Judge in Stay applications are:

1. Does the applicant have an arguable case, that is, a serious (not frivolous or vexatious) case to be tried?
2. Whether the balance of convenience favours the grant of the interim restraining orders.
3. Whether damages would be an adequate remedy for the plaintiff.
4. Whether the applicant had filed an undertaking as to damages.
5. Whether the interest of justice requires the granting of the interim orders.

There are five other steps which have been set out by Mr Justice Lay in his decision in Yama Group of Companies Ltd & 3 others v PNG Power Ltd (2005) N2831. In case these are also referred to a print out of all 10 steps is included behind this page.

Precedent cases referred to:

1. House of Lords decision in the American Cyanamide Company v. Ethicon Limited.
2. Thaddeus Kambanei v The National Executive Council and 5 Others [2006] N3064.

2.3 CIVIL CASES – APPLICATIONS FOR JUDICIAL REVIEW

The four essential steps to be complied with and addressed by the lawyers and Judge in Judicial Review applications are:

1. Has there been delay in bringing the application?
2. Does the applicant/plaintiff have sufficient standing or locus standi?
3. Are there no alternative remedies or have all alternative remedies been exhausted?
4. Does the applicant/plaintiff have an arguable case?

And in Judicial Review of a decision concerning suspension or removal of a public official on disciplinary grounds there is a fifth step and that is:

5. The public interest in the good administration of public office.

Precedent cases referred to:

Paul Asakusa's case.

3. TEMPLATE FOR CIVIL TRACK

APPLICATIONS

3.1 INTERLOCUTORY APPLICATION

1. Application for interlocutory orders

3.2 DEFAULT JUDGMENT

1. Application for default judgment
2. Adjournment of application for default judgment
3. Final orders made in application for default judgment
4. Dismissal of application for default judgment
5. Adjournment of application for default judgment (with directions)
6. Assessment of damages for default judgment
7. Seeking default judgment

3.3 SUMMARY JUDGMENT

1. Application for summary judgment
2. Adjournment of application for summary judgment
3. Orders made on directions given in application
4. Dismissal of application for summary judgment

3.4 LEAVE TO AMEND DEFENCE OR FILE CROSS-CLAIM

1. Application for leave to amend defence and/or file cross-claim/file (proceedings)
2. Application seeking leave to amend writ of summons and statement of claim
3. Order granted for leave to amend
4. Order granted for leave to amend
5. Application for leave to file defence out of time
6. Grants leave

3.5 INJUNCTIONS

1. Application for interim injunctions
2. Adjournment of application for interim injunction with directions
3. Grant of interim injunctions and orders or directions
4. Dismissal of application for interim injunctions
5. Seeking interim injunction

3.6 STAY ORDERS

1. Application for interim stay/stay
2. Adjournment of application for interim stay with directions
3. Grant of interim stay with orders and/or directions
4. Dismissal of application for interim stay
5. Response to the application for stay
6. Submission in reply
7. Argument in response for interim stay
8. Grants orders

3.7 APPLICATION TO JOIN

1. Application to join
2. Adjournment of application to join with directions/orders
3. Grant of application to join
4. Dismissal of application to join

3.8 MANDATORY INJUNCTIONS

1. Application for mandatory injunction
2. Adjournment of application for mandatory injunctions with directions/orders
3. Grant of application for mandatory injunctions
4. Dismissal of application for mandatory injunctions

3.9 PERMANENT INJUNCTION

1. Application for permanent injunction/s
2. Adjournment of application for permanent injunction/s with directions/orders
3. Grant of application for permanent injunction/s
4. Dismissal of application for permanent injunction/s

3.10 NOTICE TO ADMIT FACTS

1. Application for judgment for failure to admit facts
2. Dismissal of application for judgment with directions/orders
3. Grant of judgment/orders

3.11 DISCOVERY

1. Notice of discovery
2. Application by defendant/plaintiff to give discovery of documents
3. Application by plaintiff for defendant to give discovery of documents
4. Order to give specific discovery (by plaintiff/defendant)
5. Application for judgment for failure to give discovery
6. Grant of application for judgment and additional orders made
7. Refusal of application for judgment and additional orders made

3.12 PRODUCTION OF DOCUMENTS

1. Notice to produce documents
2. Application by plaintiff for defendant to produce documents
3. Application by defendant for plaintiff to give discovery of documents
4. Orders made to produce documents
5. Dismissal of application by plaintiff or defendant to produce documents

3.13 INTERROGATORIES

1. Notice to answer interrogatories
2. Application by a plaintiff for defendant to answer interrogatories
3. Application by defendant for plaintiff to answer interrogatories
4. Orders and/or directions/additional orders
5. Refusal of application by defendant or plaintiff to answer interrogatories
6. Grant of judgment/orders for failure to answer interrogatories

3.14 APPLICATION TO SERVE IN LIEU OF JURISDICTION

1. Application to serve in lieu of jurisdiction
2. Application granted with directions
3. Application refused

3.15 APPLICATION FOR SUBSTITUTED SERVICE

1. Application for substituted service
2. Application granted
3. Application refused
4. Requirement for service
5. Affidavit of service
6. Dispensation of service

3.16 APPLICATION TO CONVERT PROCEEDINGS TO STATEMENT OF CLAIM

1. Application to convert proceedings to statement of claim
2. Orders and directions
3. Dismissal of application to convert

3.17 SUMMARY DISMISSALS

1. Application to dismiss proceedings for want of prosecution
2. Submissions by defendant/plaintiff
3. Plaintiff's submission in response
4. Defendant/applicant's response
5. Ruling/Decision
6. Application to dismiss proceedings
7. Submission by applicant
8. Response to the application
9. Reply to the response
10. Ruling/Decision

11. Referred to summary dismissal by the registrar
12. Hearing of summary dismissal
13. Ruling/Decision
14. Seeking dismissal of proceedings

3.18 DIRECTIONS HEARING

1. Direction hearing
2. Directions issued
3. Pre-trial
4. Status conference
5. Allocation of trial/hearing date/s
6. Seeking adjournment
7. Requesting adjournment
8. Seeking allocation of hearing date/trial date
9. Seeking leave to withdraw motion
10. Application for adjournment
11. Consents/Objection to adjournment
12. Grants adjournment
13. Withdrawal of original notice of motion
14. Notice of discontinuance
15. Matter discontinued
16. Notice of ceasing to act
17. Seeking directions
18. Application to substitute plaintiff
19. Application to discontinue proceeding
20. Consent on withdrawal of proceedings by defendant/plaintiff
21. Application to dismiss NOM for want of prosecution
22. Application seeking restraining orders
23. Moving on NOM seeking reliefs
24. NOM seeking various orders
25. Ruling/Decision/Direction(s)
26. Reserve decision/ruling
27. Ruling extemporaneous
28. Service of executory orders
29. Application for leave to adduce evidence
30. Issue of section 5 notice
31. Moves application for stay/leave
32. Grants leave
33. Submission in response
34. Consent order
35. Grants consent order(s)

36. Application for further and better particulars
37. Objection to representation
38. Application for unlawful termination
39. Improvement covenant
40. Statement of claim
41. Mediation matter
42. Pleadings issue
43. Consent directions
44. Consenting to adjournment
45. Application on the issue of jurisdiction
46. Housekeeping/administrative matter(s)

3.19 TRIAL

1. Opening case/statement by plaintiff/defendant/appellant/respondent
2. Statement of agreed and disputed facts
3. Evidence by way of submission
4. Order for an interpreter
5. Witness sworn in
6. Witness affirmed
7. Examination in-chief of plaintiff's/defendant's witness
8. Cross-examination of plaintiff's/defendant's witness
9. Re-examination of plaintiff's/defendant's witness
10. Questions by the court
11. Plaintiff/defendant closes its case
12. Submission by plaintiff/defendant
13. Submission by defendant/plaintiff
14. Submission in reply
15. Submission in response
16. Matter adjourned for the court to consider decision
17. Decision/ruling (extemporary)
18. Order(s)
19. Plaintiff/Defendant proceeds with trial/argument/hearing
20. Argument in rebuttal by defendant/plaintiff
21. Submission in reply

4. TEMPLATE FOR CRIMINAL PROCEEDINGS

4.1 GUILTY PLEA

1. Presentation of Indictment by the State
2. Presentation of Brief Facts by the State
3. Arraignment
4. Guilty Plea Entered
5. Conviction
6. Tender of documentary evidence by the State
7. Administering of Allocutus
8. Submission by the Defence counsel
9. Submission by the State
10. Court adjourns to consider sentence or whether to order the production of Pre-Sentence Report and/or Means Assessment Report
11. Sentence
12. Submissions on Pre-Sentence and/or Means Assessment Report by the State and the Prisoner
13. Court adjourns to consider Sentence
14. Reserve decision/sentence
15. Sentence
16. Ruling extemporary

4.2 TRIAL ON NOT GUILTY PLEA

1. Presentation of Indictment by the State
2. Presentation of Brief Facts by the State
3. Arraignment
4. Not Guilty Plea Entered
5. State Opens its Case
6. State calls its witnesses
7. Tender of documentary evidence by the State, by consent
8. State Witness Sworn
9. Examination-in-chief by the State
10. Cross-examination by the Defence counsel
11. Re-examination by the State
12. Tender of documents through State witnesses
13. Questions By The Court (if any)
14. Further cross-examination by Defence counsel
15. Further re-examination by the State
16. The Witness Withdrew
17. Close of the State's case

18. Defence Opens its Case
19. Defence calls its witnesses
20. Defence Witness Sworn
21. Examination-in-chief by Defence counsel
22. Cross-examination by the State
23. Re-examination by Defence counsel
24. Questions By The Court (if any)
25. Further cross-examination by the State
26. Further re-examination by Defence counsel
27. The Witness Withdrew
28. Close of Defence's case
29. Submission by the State on evidence
30. Submission by the Defence on evidence
31. Submission in reply by the State
32. Verdict or Decision
33. Accused acquitted and discharged
34. Conviction
35. Administering Allocutus
36. Submissions on mitigation/sentence by Defence counsel
37. Submissions by the State
38. Submission in reply by Defence counsel
39. Court adjourns to consider sentence or whether to order the production of Pre-Sentence Report and/or Means Assessment Report
40. Submissions on Pre-Sentence and/or Means Assessment Report by the State and the Prisoner
41. Court adjourns to consider Sentence
42. Reserve decision/sentence
43. Sentence

4.3 VOIR DIRE TRIAL (issue of alibi)

1. Tender of Accused's Record of Interview
2. Objections by Defence counsel
3. Decision on Voir Dire
4. State calls interviewing police officer/corroborator
5. The Witness Sworn
6. Examination-in-chief by Defence counsel
7. Cross-examination by the State
8. The Witness Withdrew
9. Submissions by Defence on the Voir Dire
10. Submissions by the State on the Voir Dire
11. Ruling on Voir Dire

4.4 NO CASE SUBMISSION (This process takes place at the close of the State's case in a substantive trial)

1. Close of State's case
2. Submission by Defence counsel on no case to answer
3. Submission in response by the State
4. Ruling on no case to answer

4.5 EX OFFICIO INDICTMENT

1. Presentation of an Ex Officio Indictment by the State
2. Presentation of brief facts by the State
3. Criminal process

4.6 BAIL MATTERS

1. Application for bail
2. Application for bail variation
3. Application for review of bail
4. Grant of bail with bail conditions
5. Directions
6. Ruling/Decision on bail application reserved

4.7 MENTIONS/LISTINGS/STATUS CONFERENCE

1. Matter for pre-trial conference
2. Matter for status conference
3. Matter for trial
4. Legal representation issue
5. Fresh committal matter
6. Judicial Review Application
7. Service of bench warrant & execution
8. Bench warrant to issue
9. Seeking adjournment
10. No objection to adjournment
11. Requesting adjournment
12. Requesting matter to be stood down
13. Seeking allocation of trial date
14. Application to vacate trial date



REVISED POLICY ON THE UNIFORMITY OF LOGNOTES ON LOG SHEETS

For the uniformity of log notes the following policies will apply:

1. Notes on the description field

Jurisdiction name will be in abbreviated form: **NC SC or LT** then five spaces and judge's name to read as **Anis (space) J (Anis J)**, for the National Court jurisdiction, and the Supreme Court judges' names to read as, **Salika CJ Kandakasi DCJ Gavara-Nanu J Batari J Cannings J**, then five spaces and monitor's name. Spelling of judges' names should be checked against the alphabetical list that is provided.

2. Listings, motions, summary determinations, directions hearing, status conference matters

Listings, motions, summary determinations, directions hearing, status conference that have more than 10 matters, **ONLY** enter the codes, case numbers/references and **not** the parties' names. But where lists have less than 10 matters, all case particulars (codes, case numbers/references and parties' names) must be typed out in full.

Appearances should be noted for each matter even if a party is appearing in person as well corresponding with the channel number and time.

Monitors in all listings/motions/summary determinations, directions hearing proceedings **MUST** always obtain a copy of the list for the day's sittings. Notes should be made on the list of the outcome as sittings progress and adding to the bottom of the list, the case numbers and parties' names of matters not on the list but mentioned. Upon printing of log sheets the lists will be stapled to the log sheets for data entry and archiving and in the case of Waigani monitors hand in to database section.

For Waigani officers, the lists must be attached to the log notes and handed to the database officers on time. Log notes without the lists will

be returned to the monitor. Ensure to check and complete all your log notes (spell check, grammar, Judge's and lawyers' names etc) prior to handing them in, including the lists.

Provincial officers will do likewise - have the lists stapled to the log notes and archived.

The form in which a case number is to be written is: **OS (space) 35/14**. The year will be in two digits only as shown in the example.

The form in which the date is to be written is: **1/5/19 and NOT 01/05/19. NEVER** use zero in front of a single figure.

3. For matters that do not have any lists, but only 5 or 6 matters, all codes, case numbers and parties' names **MUST** be indicated on the log notes. The same applies to single trial matters because you have ample time to type all the details and events on the log notes.

4. **Trial matters, the log sheet will consist of:**

Codes, case number and case references;

Appearances and channel number of speaker; Events to be noted.

Example: Plaintiff opens case, Brief Facts Presented, Decision, Ruling Extemporaneous, The Witness Withdrew, Exhibits Tendered, Submissions, Short Adjournment, Luncheon Adjournment, etc.

(Refer to the templates on the events of civil and criminal that has been circulated)

It is also important to take down WORD LISTS as well.

5. **Submissions and Applications**

When submissions or applications are made, always listen to the nature of these submissions or applications and state whether, for example, "Submission on joinder application" or "Submission on costs" or "Submission on interlocutory injunction". When entering the description on the log sheet notes field, enter only the nature and nothing else. Where a party from another proceeding decides to be a joinder to a different matter, the code in the matter he/she wants to be joined will be used throughout – that is only if the court grants the joinder's application to be joined as a party to the current matter.

6. Troubleshooting

If the FTR is freezing or failing during recording or there is a problem with the recording provided that the Monitor has restarted and knows that the Master is recording, the Monitor must type into the log notes at that point in words, **“REFER TO THE BACK-UP AUDIO.”**

7. Procedures in log note taking

- (a) Creation of log sheets for the jurisdiction that will be monitored;
- (b) Description field notes;
- (c) Court commences;
- (d) Case number (s) and references;
- (e) Appearances;
- (f) Status of the case/Nature of the matter – in
DH/Motions/Listings/SDs;
- (g) Trials – follow the legal procedures in the CRO Essential Legal
Procedures Manual;
- (h) Directions/directional orders/sentence/decision/ruling;
- (i) Adjournment remarks.

8. ADJOURNMENT REMARKS

LISTED MATTERS - INDIVIDUAL ADJOURNMENTS

SPEAKER	NOTE
Adjournment. (After every matter is mentioned, before moving to the next matter always indicate adjournment remarks)	Matter adjourned until 23/3/15 at 9.30 am or Matter adjourned indefinitely
Stood down	Matter stood down
	Short adjournment
	Luncheon adjournment

COURT RISING FOR THE DAY

SPEAKER	NOTE
	THE COURT ADJOURNED INDEFINITELY (A final judgment/decision/sentence gets handed down, hence the matter has been completed in its entirety)
	THE COURT ADJOURNED INDEFINITELY (A list of matters)
	THE MATTER WAS ADJOURNED INDEFINITELY (A matter is still on foot but adjourned with no date given)
	THE MATTER WAS ADJOURNED UNTIL TUESDAY, 17 MARCH 2016 AT 9.30 AM (A date is given)

Witness Sworn	JOE BLOW, sworn:
Witness Recalled	JOE BLOW, recalled:
Witness Affirmed	JOE BLOW, affirmed:
Interpreter Sworn to interpret	JOE BLOW, sworn to interpret:
Exhibit(s) Tendered	Exhibit A - Statement of Joe Blow dated 18/02/19
	MFI 1 (document marked for identification) – Statement of Joe Blow dated 3/6/16
	THE WITNESS WITHDREW

* Bold should apply to remarks that are in bold.

Adjournment remarks on the log notes are very important as they give the “Start Time and Stop Time” for a particular matter or matters mentioned. After every matter or number of matters are mentioned, before going to the next matter, type “**Adjournment**” on the speaker’s column and indicate the date and time on the note column. If no date and time is given then type “**Matter adjourned indefinitely**”.

*The rationale of the LogNotes is to capture accurate events of a matter. It is **NOT** to create a mini transcript. All information on the log sheets must be accurate bearing the correct spelling of parties' names, case numbers, Judges and counsel's names, and always do spell check before printing log sheets. *